



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,670	02/13/2004	Narutoshi Hayashi	Q79913	5887

23373 7590 03/15/2006
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

KRUER, KEVIN R

ART UNIT	PAPER NUMBER
----------	--------------

1773

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,670

Applicant(s)

HAYASHI, NARUTOSHI

Examiner

Kevin R. Kruer

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9-21-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2 and 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Said dependent claims recite a chroma C* limitation that is outside the scope of the chroma C* limitation recited in the independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 4, and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (US 5,568,920) in view of JP 2001-311827 (herein referred to as Matsumoto).

Nakamura teaches a polarizing plate comprising a polarizing film and an optical compensatory sheet (abstract). The compensatory sheet comprises a transparent substrate, an orientation layer, and a discotic liquid crystal (col 5, lines 62+). The polarizing plate is obtained by stretching a hydrophilic polymer such as a saponified

Art Unit: 1773

ethylene/vinyl acetate (herein understood to be synonymous with EVOH), partially formalized polyvinyl alcohol or ethylene vinyl alcohol with a dichroic dye absorbed therein (col 16, lines 57+).

Nakamura does not teach that the EVOH polarizing plate should have the claimed chroma C^* . However, Matsumoto teaches a polarizing plate capable of displaying more neutral gray, white, and black with high contrast (abstract). Said polarizing plate is used with a liquid crystal display (0002) and has a perpendicular hue measured by JIS z-8729 in $-5.0 \leq a^* \leq 10$ and $-10 \leq b^* \leq -1$ and having a^* and b^* of parallel hue in $-4.0 \leq a^* \leq 4.0$ and $-1.0 \leq b^* \leq 5.5$ (abstract). The examiner notes that the chroma C^* is dependent upon a^* and b^* (see page 8 of specification). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was filed to optimize the chroma of the polarizing plate taught in Nakamura. The motivation for doing so would have been to provide a plate capable of displaying more neutral gray, white, and black with high contrast.

The examiner notes that the hue angle H will inherently be optimized as the chroma is optimized (see "hue angle equation" on page 8 of specification).

Response to Arguments

Applicant's arguments filed December 29, 2005 have been fully considered but they are not persuasive.

Art Unit: 1773

Applicant argues Nakamura '290 does not disclose the claimed chroma C^* and JP'827 teaches that the a^* and b^* should be close to zero (0), thus providing for a chroma C^* that is close to zero (0). Applicant submits that a person on ordinary skill in the art would not have been motivated to optimize a^* and b^* ranges so that the chroma C^* met the claimed limits. To the contrary, Applicant argues said reference teach against the claimed chroma C^* values by teaching ranges of a^* and b^* that provide for a chroma C^* close to zero (0). Said argument is noted but is not persuasive. JP'827 teaches a^* and b^* may be optimized in order to obtain LCD with good visibility (0052). Therefore, the examiner maintains the position that the skilled artisan would have been motivated to make the claimed polarizing film with the claimed chroma C^* in order to optimize the visibility of the LCD utilized therewith.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 1773

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R. Kruer whose telephone number is 571-272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin R. Kruer
Patent Examiner-Art Unit 1773